IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 23485 of 2006(U)

EP.874/2000 of SUB COURT, CHERTHALA
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PETITIONER:

E.M. DINESAN,
EDATHODATHU HOUSE, THEKKUMMURI, CHERTHALA SOUTH.

BY ADV. SRI.M.BALAGOVINDAN
SRI.M.R.SASITH

RESPONDENT:

CHERTHALA CO-OPERATIVE
URBAN BANK NO.2655, REPRESENTED BY ITS SECRETARY,
CHERTHALA P.O.

BY ADV. SRI.M.SASINDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.23485/2006 U

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE EXPARTE DECREE/AWARD FOR REALIZATION OF RS.2,20,641/- DTD. 26/05/2000.**

EXT.P2: **COPY OF THE E.P.FILE NO.874/2000 FILED BEFORE THE SUB COURT, CHERTHALA.**

EXT.P3: **COPY OF THE CIRCULAR ISSUED BY THE REGISTRAR OF CO-OPERATIVE SOCIETIES DTD. 27/02/2006.**

EXT.P4: **COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE RESPONDENT BANK ON 4/07/2006.**

/TRUE COPY/

KSS

M.N.KRISHNAN, J

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W.P.(C) No.23485 OF 2006

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Dated this the 12th day of July, 2007

JUDGMENT

This writ petition is filed seeking a direction to the Sub Court, Cherthala to consider and pass orders in E.P.No.874 of 2000 along with Ext.P3 without further delay. Ext.P3 is a direction issued by the bank and as the decree has become executable and therefore the executing court cannot consider any of the contentions raised by the petitioner on the basis of Ext.P3. But, at the same time, the writ petitioner is also eager to pay the amount and the decree holder also submits that if prompt payment is made, breathing time can be given. Therefore the writ petition is disposed of as follows: The petitioner is directed to pay the decree debt in six equal monthly instalments commencing from 10.8.2007. If there is consecutive default of payment of two monthly instalments, the benefit granted shall stand cancelled and the decree holder will be at liberty to proceed with the

execution by sale of the property mentioned in the petition.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-